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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/742,257
Filing Date: December 19, 2003
Appellant(s): SAKAI, KENICHIRO ET AL.

SAKAI, KENICHIRO ET AL.
For Appelant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/30/2007 appealing from the Office action mailed 3/15/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,335,729	Nunokawa et al.	1-2002
6,529,218	Ogawa et al.	3-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5 and 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunokawa et al (6,335,729 hereinafter "Nunokawa") in view of Ogawa et al (6,529, 218 hereinafter "Ogawa").

Nunokawa teaches an image display device and a method (Figs. 1 and 3) for storing *a plurality of images* (map data) and displaying the image based on a user's *display operation* (from operation unit 19) comprising *a non-volatile storage unit* (18) storing data which can be rewritten and maintaining stored data even if a main power supply is switched off; *an image storage unit* (17) storing an image; *an image display unit* (15) displaying the image stored in the image storage unit; an operation detection unit detecting a user's display operation to modify a display state of the image displayed on the image display unit (col. 4, lines 15-22); *a display information reading unit* (such as a step of reading, col. 2, lines 33-35) for reading the display information from said non-volatile storage unit when power is switched on; and a display information writing unit (steps 109 and 110) for writing the display information for indicating a display state. Nunokawa further teaches to store "predetermined control information into the non-volatile storage means to eliminate a need for reading various control data for the recording

medium after the power supply is turned on and makes it possible to reduce the time spent before information is displayed after the power supply is turned on accordingly" (col. 10, line 61 to col. 11, line 3 and col. 8, lines 17-21). Nunokawa fails to teach the display information writing unit writing display information for indicating a display state including a displayed position and magnification.

However, Ogawa teach an image display device as shown in Fig. 1, comprising a non-volatile memory 14, operation detection 30, image storing unit 13, image display unit 21 (col. 4, lines 3-25). Ogawa further teach a display information writing unit for writing display information indicating a display state including a displayed position (Fig. 2, steps S103-S109, col. 5, lines 5-35), Ogawa further teach the display state including magnification (as shown in Fig. 2, step 118, Fig. 5, Menu 29, and col. 6, lines 20-24, and col. 8, lines 42-46). Thus, it would have been obvious to one skilled in the art to combine the method as taught by Nunokawa in combination with the method as taught by Ogawa in order to easily retrieve the latest image just before the power being turned off, and thereby providing convenience to the user, and reducing power consumption.

Therefore, at least claims 1, 2, 4, 7, 8, 10-15 would have been obvious.

As per claim 3, Nunokawa and Ogawa fail explicitly teach or suggest if the display information read from said non-volatile storage unit is not a prescribed value, said display information reading unit modifies the display information to a prescribed rating value. However, since the displayed image has a certain resolution permitted by the display device, the scaled or enlarged displayed image should have a limit to the magnification. Therefore, the display

information reading unit should modify the image to fit the permitted resolution of the display device.

As per claim 5, Nunokawa teaches if said operation detection unit does not detect another user's display operation during a specific time period after detecting a user's display operation, said display information writing unit writes the display information in said non-volatile storage unit (such as, in the parking lot when the car is not moving).

As per claim 9, Nunokawa teaches the display information includes at least one of information for specifying an original image, information about magnification of a display image and information for indicating a position in the original image of a display image (col. 4, lines 15-38). This is also taught in Ogawa for enlarging and reducing the image.

(10) Response to Argument

Appellant's arguments in the Appeal Brief have been fully considered but they are persuasive. In response to Appellant's arguments that the cited references (Nunokawa and Ogawa) fails to teach all the limitations of claim 1, the examiner disagrees. First, there is no acknowledgement that Nunokawa does not teach "writing display information for indicating a display state" because Nunokawa already teaches this (see col. 8, lines 47-49). The acknowledgement is the *display state* does not include the displayed position and magnification. And this is what Ogawa teaches. In response to Appellant's arguments that Ogawa does not teach this feature, the examiner refers to column 4, lines 17-25, and Figs. 1-5 where Ogawa teaches:

External storage 14, e.g., a nonvolatile memory like an EEPROM or an

> external memory like a memory card, is connected as auxiliary, or secondary, storage to the CPU 10. On the external storage 14, menu information used as auxiliary information for controlling the display of map information, for example, positional coordinates of the menu information when displayed on the screen, *maps of various scales and the positional coordinates of the maps when displayed on the screen are stored.* (emphasis added).

Thus, clearly from the excerpt above, the non-volatile memory 14 stores display state including a displayed position (positional coordinates) and magnification (maps of various scales) of a current displayed image.

The examiner also disagrees with Appellant's arguments that the teachings of Nunokawa and Ogawa cannot be combined. In response, Nunokawa and Ogawa uses a non-volatile memory to store the current displayed information in a navigation system before the power is turned off. Nunokawa teaches storing the display state, but does not teach the display state includes the displayed position and magnification. Ogawa discloses storing the display state that includes displayed position and magnification. The motivation has been addressed above in the rejection.

Claims 2-5, 7-9 have been addressed above in the rejection. For claims 2 and 4, see also Nunokawa, col. 10, ll. 17-22, and ll. 52-60. For claims 7 and 8, since the display information includes the positional coordinates, each map data corresponding to a position is thus stored and retrieved independently. For claim 10, see col. 10, ll. 52-60. Claims 11-15, which are similar in scope to claim 1, is thus rejected under the same rationale.

For at least the above reasons, the cited reference meets the minimum requirements of the claimed limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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